Special conditions.

1. Manure Management Plan. The permittee shall implement the MMP approved in this Permit at the production area and at land application sites by achieving the discharge limits and specific management practices described in the MMP.

2. Duty to maintain NPDES permit coverage. The permittee must maintain coverage under this NPDES permit until the facility is properly closed. This applies to decisions by the permittee to close down or to downsize or to make other changes so that the facility no longer meets the definition of a concentrated animal feeding facility. Closure shall be performed in accordance with Rule 901:10-2-18 and requires the permittee to show there is no remaining potential for discharge of manure generated by the facility.

3. Distribution and utilization. If the permittee chooses this option for the Manure Management Plan, the permittee shall provide a copy of the most recent manure analysis for nutrient content and shall provide copies of Appendices A, B, and F of Rule 901:10-2-14. The permittee shall maintain records of each manure transfer in the Operating Record. The permittee shall report the estimated annual amount of manure transferred to other persons in the previous twelve months of the calendar year in an annual report to be filed with the Department.

4. Winter application. Surface application of manure is not recommended and the permittee is required to notify the Department and obtain approval prior to any surface application of manure. Surface application of manure during winter is limited to only such quantities of manure to be removed to address manure storage limitations until non-frozen soils are available for application.

   In addition, all of the following restrictions shall apply:

   a. The application rate is limited to 10 wet tons/acre for solid manure with more than 50% moisture and 5 wet tons for liquid manure less than 50% moisture. For liquid manure, the application rate is limited to 5,000 gallons/acre.
   b. Applications are to be made on land with at least 90% surface residue cover (e.g., good quality hay or pasture field, all corn grain residue remaining after harvest, all wheat residue cover remaining after harvest) from streams, ditches, waterways, surface water, (e.g., areas that present the least runoff potential and are furthest from surface water).
   c. Manure shall not be applied on more than 20 contiguous acres. Contiguous acres for application are to be separated by a break of at least 200 feet. Utilize those areas for manure application that are furthest from any surface waters of the State.
   d. Increase the application setback distance to 200 feet minimum from all waters of the State. The distance may be further increased due to local conditions.

e. The rate of application shall not exceed the rates specified in Appendix F of Rule 901:10-2-14.
f. Additional winter application criteria for fields with significant slopes of more than 6%: Manure shall be applied in alternating strips 60 to 200 feet wide generally on the contour, or in the case of contour strips on the alternating strips.

5. Stormwater. Spill prevention and good housekeeping practices, along with diversion of clean water, shall be used to ensure that uncontained stormwater from the production area is not contaminated by manure and to ensure that stormwater discharges from the following areas maintain Ohio Water Quality Standards in the receiving waters of the State: immediate access roads and rail lines used or traveled by carriers or raw materials, products, waste material, or by-products used or created by the facility; refuse sites, sites used for the storage and maintenance of material handling equipment; and shipping and receiving areas.

   Stormwater that is contaminated by manure or raw materials may only be discharged in accordance with Effluent Limitations for discharge described in the Manure Management Plan (MMP) of this permit.

   Stormwater management, including spill prevention, good housekeeping and maintenance of stormwater conveyances shall be recorded by the permittee in the Operating Record as required by Rules 901:10-2-08 and 901:10-2-16.

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The following special condition shall be inserted for medium and small CAFOs:

There may be no discharge of manure into waters of the state except as provided below:

<u>NPDES Effluent Limitations Applicable to the Production Area</u>
Whenever precipitation causes an overflow of manure, then manure in the overflow may be discharged into waters of the state provided:

a. The production area is properly designed, constructed, operated and maintained to contain all manure and the runoff and direct precipitation from the

[the permit writer shall select one]

[25-year, 24-hour storm event for the location of the facility]
[10-year, 24-hours storm event for the location of the facility]
[100-year, 24-hour storm event for the location of the facility]

The design storage volume must reflect all wastes accumulated during the storage period; normal precipitation less evaporation during the storage period; normal runoff during the storage period; the direct precipitation from a

[the permit writer shall select one]

[25-year, 24-hour storm event]
[10-year, 24-hours storm event]
[100-year, 24-hour storm event]

from the production area; residual solids after liquid has been removed; necessary freeboard to maintain structural integrity; and in the case of manure treatment lagoons, a minimum treatment volume.

b. The production area is operated in accordance with applicable rules for the Operating Record.
c. In the event of any overflow or other discharge of manure from a manure storage or treatment facility, whether authorized by this permit, the following actions shall be taken:
    1) Record an estimate of the volume of the release and the date and time.
    2) The discharge must be analyzed by methods in 40 CFR Part 136.
    3) If conditions are not safe for sampling, the owner or operator must provide documentation of why samples could not be collected and analyzed. For example, due to dangerous weather conditions. But once these conditions have passed, samples shall be collected.
    4) Refer to **Form 1 in the Operating Record,** which may be used as part of your required Annual Report to be submitted to the Director. This form shows the information that is required for an annual report of any discharges.
    5) **As required by State law and NPDES requirements, spills and discharges must be reported within 24 hours of discovery as required by** the Emergency Response Plan, which is a part of the Permit to Operate. Refer to **the attached ODA Form for Emergency Response Reports or use your own approved form.** This Form shows the information that is required and this information shall be submitted for each emergency report. It is not part of the Operating Record.

Land Application of Manure

There may be no discharge of manure into waters of the state from the land application area except for where it is an agricultural stormwater discharge generated by means of runoff generated by precipitation that drains over terrain used for agriculture, provided that the manure has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of nutrients in manure in compliance with the best management practices set forth in Chapter 901:10-2 of the Administrative Code.

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The following special condition shall be inserted for all permits where the owner/operator chooses to discharge to waters of the State for conditions that

are not governed by the technology-based effluent limitations for CAFOs, e.g., a cooling water discharges, stormwater discharges, egg washwater discharges. The permit writer shall use all that apply.

Additional discharges. The permittee is required to perform the following:

a. Grab samples shall be taken of all discharges from the production area. Clean water that has been diverted does not need to be sampled. Date and time of sampling, the results of analysis, and information required by Rule 901:10-3-10 shall be recorded in the Operating Record.
b. Grab samples shall be taken of all discharges from
   - ☐ [the production area],
   - ☐ [the cooling water outlet],
   - ☐ [stormwater pond outlet],
   - ☐ [_____describe other],

   Based on the following frequency:

   - ☐ weekly
   - ☐ monthly
   - ☐ quarterly
   - ☐ twice per year, during the months of March and Novermber
   - ☐ annually

   Clean water that has been diverted does not need to be sampled. Date and time of sampling, the results of analysis, and information required by Rule 901:10-3-10 shall be recorded in the Operating Record.

NPDES Permit for CAFOs Minimum Practices

ENSURE ADEQUATE STORAGE[1] CAPACITY

Develop and implement specific practices and associated structures to ensure adequate storage capacity to achieve permit limitations including:

- ➢ Maintain sufficient capacity in liquid manure, wastewater, or storm water storage structures to ensure compliance with all permit requirements.
- ➢ Store dry manure in production buildings or in storage facilities or otherwise storing it in such a way as to prevent polluted runoff.
- ➢ Provide adequate storage capacity to ensure compliance with the nutrient management technical standard approved by the permitting authority.
- ➢ Ensure proper operation and maintenance of all manure, wastewater, and storm water storage facilities.

[1] Storage includes but is not limited to waste ponds and lagoons and other structures such as tanks (above and below ground) and staking facilities (concrete pad, walls, and a roof.)

ENSURE PROPER MANAGEMENT OF MORTALITIES

Handle and dispose of dead animals in a manner that prevents contamination of waters of the United States.

DIVERSION OF CLEAN WATER

Develop and implement management practices to divert clean water from the production area. Clean water includes rain falling on the roofs of facilities, runoff from adjacent land, and other sources. If clean water is not diverted from coming into contact with manure or process wastewater it must be collected in accordance with permit requirements.

PREVENTION OF DIRECT CONTACT OF ANIMALS WITH WATERS OF THE UNITED STATES

Develop and implement appropriate controls to prevent access of animals to waters of the United States in the production area.

CHEMICAL HANDLING

Develop and implement controls to prevent the inappropriate introduction of chemicals into the manure, wastewater, and storm water storage and handling system. Examples include pesticides, hazardous and toxic chemicals, and petroleum products and by-products.

CONSERVATION PRACTICES TO CONTROL NUTRIENT LOSS

For land application areas under the control of the CAFO operator develop and implement practices that are sufficient to minimize the discharge of pollutants to waters of the United States. These practices may include, but are not limited to residue management, conservation crop rotation, grassed waterways, strip cropping, vegetated buffers, riparian buffers, setbacks, terracing, and diversions.

PROTOCOLS FOR MANURE AND SOIL TESTING

Identify and implement specific manure, wastewater and soil sample collection and analysis protocols to be used in developing and implementing the nutrient management plan. At a minimum the protocol is to specify the collection and analysis of manure, litter, and other process waste waters annually for nutrient content, including nitrogen and phosphorus. The protocol is to specify the collection and analysis of soil samples for phosphorus content at least once very 5 years for all fields under the control of the CAFO operator where manure and wastewater may be applied. In all cases the sampling frequency for both manure, litter and wastewater and soil is to be consistent with the technical standard for nutrient management established by the Director.

PROTOCOLS FOR THE LAND APPLICATION OF MANURE AND PROCESS WASTEWATER

Develop and implement protocols to apply manure, litter, process wastewater in accordance with the technical standard for nutrient management established by the Director.

RECORD KEEPING

Maintain all records necessary to document the development and implementation of the nutrient management plan and compliance with the minimum practices defined in the permit. In addition, records must be maintained that document compliance with the effluent limitations specified in the permit.